

REMARKS

The Office Action mailed December 15, 2003 indicated that new drawings would be required contingent upon allowance of the case because the drawings were declared informal by the Applicants. Applicants submitted four sheets of formal drawings along with the Amendment mailed October 26, 2003. However, in order to ensure that the drawings are officially entered into the present case, Applicants are providing along with the current Response a separate submission of formal drawings that provides four sheets of formal drawings and hereby declares the drawings as formal.

In the Office Action of December 15, 2003, claims 1 and 6-8 were rejected under 35 USC §102(b) as being anticipated by Lloyd et al. (EPO 302 382 A1).

Claims 1, 4 and 6-8 were rejected under 35 USC §103(a) as being obvious over Lloyd.

Claims 1, 2, 4 and 6-8 were rejected under 35 USC §103(a) as being unpatentable over Lloyd in view of Young et al. (U.S. Patent No. 5,642,835).

Claims 1, 4 and 5-8 were rejected under 35 USC §103(a) as being unpatentable over Lloyd in view of Everhart (U.S. Patent No. 5,389,202).

Claim 1 and 4-8 were rejected under 35 USC §103(a) as being unpatentable over Lloyd in view of Cook et al. (U.S. Patent No. 5,242,057).

Claims 1, 3, 4 and 6-8 were rejected under 35 USC §103(a) as being unpatentable over Lloyd in view Dwiggins et al. (U.S. Patent No. 6,033,761).

Applicants respectfully traverse the §102(b) rejection to claim 1 in view of Lloyd. Respectively, Lloyd does not disclose a napkin assembly that has a first and second napkin sheet each having a plurality of folds where all of the folds are parallel to one another and to a

plurality of tabs in each napkin sheet that connect a plurality of napkins in each napkin sheet.

The Office Action of December 15, 2003 states that Figs. 2 and 3 of Lloyd disclose tabs that are oriented in the same direction as those in claim 1 and like the drawings in Figs. 1-3 of Applicants' application (see page 5, paragraph 12 of the Office Action of December 15, 2003). Fig. 2 of Lloyd shows lines of perforations (tabs) 12 that are parallel to one another. Additionally, an interlocking line 32, that is simply a fold line, is also shown as being parallel to the lines of perforations (tabs) 12. However, a folding line 22 is present and is parallel to the machine direction of the web 11 and as such is perpendicular to both the lines of perforations (tabs) 12 and to the interlocking line 32. Folding line 22 and the interlocking line 32 are both fold lines, they are simply called by different names in order to distinguish them from one another (see Lloyd at page 3, lines 40-41). Fig. 2 of Lloyd depicts four different consecutive stages of the folding process undergone by the web 11 during the manufacturing process (see Lloyd at page 3, lines 28-30). The final stage shown in Fig. 2, that is the stage on the far right of Fig. 2, shows the web 11 having both an interlocking line 32 and a folding line 22.

Fig. 3 is a cross-sectional view of an interfolded clip of tissue that includes two interfolded, continuous perforated webs of the type illustrated in the last stage of Fig. 2 (see Lloyd at page 3, lines 1-2). As stated in the Office Action and as shown in Fig. 3 of Lloyd, the lines of perforations (tabs) 12 are parallel to the interlocking lines 32. However, both the lines of perforations (tabs) 12 and the interlocking lines 32 are perpendicular to the folding line 22. Folding line 22 is simply not visible in the cross-sectional view of Fig. 3. However, folding line 22 is present within each of the webs 11 shown in Fig. 3 because the webs 11 of Fig. 3 are those of the last stage shown in Fig. 2 that is a perspective view that shows the folding line 22 (see

Lloyd at page 3, lines 1-2). Therefore, the folding line 22 is present in Fig. 3 but is not visible because Fig. 3 is a cross-sectional view and because the folding line 22 is perpendicular to both the lines of perforations (tabs) 12 and the interfolding lines 32.

Claim 1 of Applicants' application calls for each of the napkin sheets to have a plurality of folds where all of the folds are parallel to one another and to the plurality of tabs. This structure is not disclosed anywhere in Lloyd and is not disclosed in Figs. 2 and 3 of Lloyd that instead each disclose a folding line 22 perpendicular to both the interfolding lines 32 and the lines of perforations (tabs) 12.

Further, it would not have been obvious for one having ordinary skill of the art to modify Lloyd so as to arrive at a napkin assembly as set forth in claim one of Applicants' application. In order to accomplish the desired resistance to tearing and space savings, the tissues of Lloyd have a longitudinal folding line 22 that is parallel to the machine direction of the tissue sheet (see Lloyd at page 3, line 39; and Fig. 2). Additionally, the tissue sheets of Lloyd are provided with an interfolding line 32 that is perpendicular to the folding line 22 (see Lloyd at page 3, lines 39-41; and Fig. 2). It is therefore the case that Lloyd specifically teaches towards a tissue sheet configuration where the sheet has folds that are perpendicular to one another (see also claims 1 and 5 of Lloyd). Applicants napkin assembly as set forth in claim 1 of Applicants' application is exactly opposite from the teachings of Lloyd that specifically call for a fold line 22 that is parallel to the machine direction of the sheet 11 and is perpendicular to both the interfolding lines 32 and the lines of perforations (tabs) 12. Therefore, Applicants respectfully submit that claim 1 defines over Lloyd.

As stated, claims 1, 2, 4 and 6-8 were rejected under 35 USC §103(a) as being

unpatentable over Lloyd in view of Young. Specifically, Young was cited against claim 2 for disclosing a first member intricately formed with a second member.

Applicants submit that claim 1 defines over the combination of Lloyd and Young. Young discloses a plurality of ribbons that are overlapped in side-by-side relationship, folded into a stack of interleaved ribbon, and then cut into blocks of individual interleaved sheets (see Young at column 7, lines 53-56). It would not have been obvious for one skilled in the art to take the interleaved sheets of Young and incorporate these sheets into Lloyd because doing so would produce a resulting sheet configuration that does not have a fold parallel to the machine direction of the sheets and perpendicular to a line of perforation (tabs) 12, as explicitly taught by Lloyd. Young discloses separate overlapping ribbons, whereas Lloyd discloses one or more folding lines 22 that are perpendicular to lines of perforations (tabs) 12. Removing the perpendicular folds (folding line 22) and substituting them with the overlapping ribbons of Young would produce a design that is explicitly disfavored in the teachings of Lloyd. As such, this combination of references would not be obvious to one skilled in the art. Therefore, Applicants respectfully submit that claim 1 defines over the combination of Lloyd and Young.

As stated, claims 1, 4 and 5-8 were rejected under 35 USC §103(a) as being unpatentable over Lloyd in view of Everhardt. Everhardt was applied, particularly to claim 5, for disclosing napkins that are comprised of pulp fibers. Respectively, Applicants submit that claim 1 defines over the combination of Lloyd and Everhardt for essentially the same reasons as discussed above with respect to Lloyd.

As stated, claims 1 and 4-8 were rejected under 35 USC §103(a) as being unpatentable over Lloyd in view of Cook. Cook discloses a toilet seat cover 200 that has longitudinally

extending fold lines 220 and laterally extending fold lines 230 (see Cook at column 9, lines 42-43; and Fig. 7). As such, the fold lines in Cook are perpendicular, as are the folding lines 22 in Lloyd that are perpendicular to other fold lines 32 and also to lines of perforations (tabs) 12. Therefore, if one skilled in the art were to combine these references, the resulting design would be a tissue sheet configuration that has perpendicular fold lines and folds that are perpendicular to lines of perforation. As such, both references teach towards perpendicular fold lines, and the combination teaches away from a napkin assembly as set forth in claim 1 of Applicants' application that includes a napkin sheet with a plurality of folds where all of the folds are parallel to one another and to a plurality of tabs. As such, it would not have been obvious to one skilled in the art to modify Lloyd in view of Cook in order to arrive at Applicants' napkin assembly as forth in claim 1 because both references teach towards perpendicular fold lines. As such, Applicants respectfully submit that claim 1 defines over the combination of Lloyd and Cook.

Also as stated in the Office Action, claims 1, 3, 4 and 6-8 were rejected under 35 USC §103(a) as being unpatentable over Lloyd in view of Dwiggins. Specifically, Dwiggins was cited for the proposition of disclosing a stack of 500 napkins. Applicants respectfully submit that claim 1 is patentable over the combination of Lloyd and Dwiggins and that a combination of these references does not disclose a napkin assembly with a napkin sheet that has a plurality of folds where all the folds are parallel to one another and to a plurality of tabs. Again, it would not have been obvious for one skilled in the art to provide such a napkin assembly in view of Lloyd and Dwiggins because Lloyd specifically teaches towards perpendicular fold lines and folds that are perpendicular to lines of perforations, and removing this feature from Lloyd would produce a resulting design that goes completely against the entire purpose of Lloyd. Such a modification

of Lloyd is unobvious to one skilled in the art, and Applicants respectively submit that claim 1 defines over the combination of Lloyd and Dwiggins.

Therefore, Applicants respectfully submit that claim 1 is in proper condition for allowance and that all claims that depend directly or indirectly from claim 1 (claims 2-8) are also in condition for allowance. The rejections to claims 2-8 are made moot due to the allowance of claim 1.

Applicants respectfully submit that all pending claims are in condition for allowance. Favorable action thereon is respectfully requested. The Examiner is encouraged to contact the undersigned at his convenience to resolve any remaining issues, and Applicants' attorney welcomes the Examiner's recommendation to solve any such issues.

Respectfully submitted,

DORITY & MANNING, P.A.

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Date

Neal P. Pierotti

Neal P. Pierotti
Reg. No. 45,716
P.O. Box 1449
Greenville, SC 29602-1449
(864) 271-1592
FAX (864) 233-7342